

REMARKS

The Examiner has rejected claims 1 through 25 all of the claims in the case as either being anticipated under Sec. 102 by the Stevens' reference or as being obvious under Sec. 103 of a combination of various references in which the Stevens' patent is the primary reference. Furthermore, the Examiner has rejected claim 3 under Sec. 112.

However, the Examiner indicated that claims 7 through 9, claims 15 and 24 would be allowable if rewritten in independent form.

Applicants have canceled all of the claims in this case and have provided a new set of claims which contain the essential limitations of the claims objected to by the Examiner.

The New Claims

There are now three independent claims in this case; namely, claims 26, 30 and 31. Claim 26 was created by combining elements of claims 1 and 8. Claim 30 was created by combining elements of claims 14 and 15. Claim 33 was created by combining elements of claims 22 and 24.

However, certain changes were made in combining these claims which Applicants bring to the Examiner's attention.

First, in the independent claims 26 and 30, the limitation "elastomeric" and "film" has been replaced with the term "membrane". The specification on page 4, line 23, and at page 6, lines 22 and 23, makes reference to the "membrane 20"

as the element which covers the expansion device 18.

Applicants believe that this language is in conformance with the specification and is preferable language. Applicants point out that elastomeric is a preferred feature that is mentioned in the Brief Description on page 2, line 32. However, the detailed description is not limited to elastomeric. Applicants believe that this limitation is not necessary in the broad claims.

In claim 26, the term "style" is inserted after "multi-wing malecot".

In claim 30, the blocking element is referred to as "a multi-wing blocking element" without use of the term "malecot".

At page 7, line 9, reference is made to the fact that the blocking element, although often called a malecot in the industry, is used to refer in general to a multi-wing device. Thus the term "style" is a better designation for the malecot and the possibly more generic term "multi-wing blocking element", as used in claim 30, is supported in the specification.

Accordingly, Applicants believe that reference to the element involved as either a multi-wing malecot style blocking element or as a "multi-wing blocking element" is appropriately supported by the specification, distinguishes over the art and is commensurate with the nature of the allowable subject matter indicated by the Examiner. The claims 27, 28, 29, 31 and 32 are all dependent on two independent claims and are believed to be allowable for exactly the same reasons.

Claim 33 is a combination of claims 22 and 24 and is believed to be allowable for the reasons that led the Examiner to indicate that claim 24 would be allowable in independent form. Claim 34 is dependent on claim 33.

Clark '938

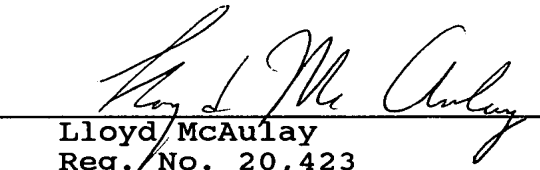
Applicants have recently had brought to their attention the attached Clark Patent No. 3,996,938. The Clark patent teaches that a cylindrical mesh on the distal end of a flexible catheter is expanded by a plunger to remove a clot from the body vessel. It does not show, teach or suggest the blocking mechanism to which the claims of this patent application are directed. Thus it is of no greater significant relevance to the claims currently in the case than are the other references applied or cited by the Examiner.

It should be noted that claim 3 to which the Examiner raised the Sec. 112 objection has been eliminated from the case. It is not in the case even in dependent form.

Applicants believe that all of the claims presently in this case are addressed to allowable subject matter and allowance is respectfully requested.

Respectfully submitted,

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Clark Patent No. 3,996,938


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